IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS LUFKIN DIVISION

GONZALO L. VILLASANA, SR., §

VS. § CIVIL ACTION NO. 9:17-CV-20

CAPTAIN NEWMAN, et al., §

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Gonzalo L. Villasana, Sr., an inmate confined at the Polunsky Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Captain Newman and Sergeant M. Jones.

The Court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends defendants' Motion to Dismiss should be granted in part and denied in part. Specifically, the Magistrate Judge recommends the Motion to Dismiss as to plaintiff's official capacity claims should be granted while recommending denying the Motion to Dismiss as to plaintiff's claims of retaliation and conspiracy against the defendants in their individual capacity.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.¹

¹Plaintiff received a copy of the Report and Recommendation on August 19, 2019 (docket entry no. 26).

<u>ORDER</u>

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**.

So Ordered and Signed

Sep 10, 2019

Ron Clark, Senior District Judge

Rm Clark